

**Introduced by Senator Florez**

January 19, 2010

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An act to add Section 12301.26 to the Welfare and Institutions Code, relating to social services.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 886, as introduced, Florez. In-home supportive services providers: electronic timekeeping.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Counties are responsible for administering the program.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons, including specified in-home services. Under existing law, IHSS recipients who are eligible for the Medi-Cal program, are provided with personal care option services, as defined, in lieu of receiving these services under the IHSS program.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines and instructions to provide counties with a standard tool for consistently and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would authorize the providers of specified in-home services to use electronic timekeeping, as defined, for purposes of verifying tasks completed and ensuring quality home care for in-home recipients, as defined.

This bill would provide that, if any part of this bill conflicts with federal requirements prescribing conditions for the allocation of federal funds to the state, the conflicting part shall not be implemented, solely to the extent of the conflict.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 12301.26 is added to the Welfare and  
2     Institutions Code, to read:  
3     12301.26. (a) For purposes of this section, the following terms  
4     shall have the following meanings:  
5     (1) “Electronic” means a telephone-based tool with the ability  
6     to verify the location of service through automatic number  
7     identification, identify the employee through the use of speaker  
8     verification, and capture tasks via interactive voice response or  
9     automatic data transmission.  
10    (2) “Electronic timekeeping” means an electronic and verifiable  
11    method of identifying an employee, recording that employee’s  
12    presence in the recipient’s home at the beginning and end of the  
13    employee’s recipient visit workday, and recording accurately the  
14    tasks performed by that employee during that recipient visit  
15    workday.  
16    (3) “Recipient” means a person who has been deemed eligible  
17    to receive in-home supportive services pursuant to this article,  
18    personal care services pursuant to Section 14132.95, home medical  
19    care services pursuant to subdivision (s) of Section 14132, or other  
20    home- and community-based Medi-Cal program services for which  
21    a waiver has been granted pursuant to subdivision (t) of Section  
22    14132.  
23    (b) A provider of services described in paragraph (3) of  
24    subdivision (a) may use electronic timekeeping for purposes of  
25    verifying tasks completed and ensuring quality home care for  
26    in-home recipients.

1 (c) If any part of this section is found to conflict with federal  
2 requirements prescribing conditions for the allocation of federal  
3 funds to the state, the conflicting part shall not be implemented,  
4 solely to the extent of the conflict. Any regulation adopted pursuant  
5 to this section shall be consistent with federal requirements  
6 prescribing conditions for the receipt of federal funds by the state.

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